

**BOARD OF COMMISSIONERS  
HEARING DOCUMENT**

**SALMON CREEK DEVELOPMENT  
MORATORIUM**

## CLARK COUNTY STAFF REPORT

**DEPARTMENT/DIVISION:** Public Works / Transportation

**DATE:** August 29, 2006

**REQUEST:** Consider the Extension of the Development Moratorium in Salmon Creek

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**BACKGROUND:** On September 20, 2005, the Board of County Commissioners (BOCC), following a public hearing, adopted a formal moratorium on new development in the Salmon Creek area of the county. This action was preceded by an emergency action taken by the BOCC on July 26, 2005, that initially established the moratorium. The ordinance establishing the formal moratorium indicates that, unless extended, the moratorium will expire on September 12, 2006.

The problem underlying the development moratorium is a "concurrency failure" in Salmon Creek. In mid-February 2005, the modeled operating level for the Salmon Creek Avenue (West Central) Concurrency corridor dropped to 12.9 mph. The adopted travel speed standard for the corridor is 13 mph. Because the remedy for the failing condition is the construction of high-cost interchange improvements for I-5 and I-205, individual developers continue to be unable to mitigate their traffic impacts. As a result, developers in Salmon Creek and the surrounding area have been unable to obtain development permits.

The draft ordinance attached to this staff report that would extend for 12 months the formal development moratorium, is nearly identical in content to the ordinance adopted by the BOCC in September 2005. This includes both the geographic boundaries of the moratorium area (Exhibit A) and the types of new development subject to the moratorium. The proposed Work Plan that the County would undertake during a continued moratorium is attached as Exhibit B.

The duration of the underlying Concurrency failure and the resultant development moratorium is uncertain. The remedy is the completion of the Salmon Creek Interchange Project that will add considerably more east-west transportation capacity in Salmon Creek. Phase 1 of this improvement project is not scheduled to be completed until 2013. As a result, the capacity improvements could not be counted in Concurrency evaluations until 2010 under the County's three year rule (CCC 40.350.020 F.6). Under this scenario, the concurrency failure and the moratorium would continue until 2010. Note that the proposed length of the moratorium extension being addressed in this staff report is only 12 months based on a state law limitation, but could be further extended following a public hearing.

**ACTION REQUESTED:** Consider the adoption of the attached Ordinance extending the development moratorium in Salmon Creek

**COMMUNITY OUTREACH:** There has been considerable community outreach associated with the Salmon Creek Interchange Project. In addition, the Salmon Creek Moratorium Work Group has been meeting and has provided an opportunity for the different interest groups to become more educated

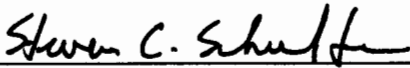
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about the moratorium and to make their particular concerns and issues known to the County. There has been no specific community outreach associated with the proposal to extend the moratorium.

**BUDGET IMPLICATIONS:** There would continue to be an unspecified fiscal impact on the Department of Community Development due to the reduced number of pre-application conferences and development applications. In addition, there would continue to be reduced traffic impact fee revenue in the Mt. Vista District that would impact the County's ability to deliver our planned Capital Improvement Program.

**POLICY IMPLICATIONS:** There are policy implications associated with continuing the development moratorium including issues and possible claims associated with concerns about property "takings" and property assessments.

**DISTRIBUTION:** Please notify the Department of Public Works and the Department of Community Development of the BOCC actions.



Steven C. Schulte, P.E.  
Transportation Program Manager

APPROVED: \_\_\_\_\_  
CLARK COUNTY, WASHINGTON  
BOARD OF COMMISSIONERS



Peter Capell, P.E.  
Public Works Director/County Engineer

aj  
Attachments: Ordinance, Exhibit A (moratorium map), and Exhibit B (work plan).

**ORDINANCE NO. 2006-\_\_\_\_\_**

AN ORDINANCE RELATING TO LAND USE; CONTINUING A  
MORATORIUM ON THE FILING OF CERTAIN DEVELOPMENT  
APPLICATIONS WITHIN AN AREA DESCRIBED AS THE SALMON  
CREEK MORATORIUM AREA.

1       WHEREAS, by Ordinance No. 2005-07-21, the Board adopted an emergency  
2 moratorium on certain development applications within an area called the "Salmon Creek  
3 Moratorium Area;" and

4       WHEREAS, Ordinance 2005-09-07 continued such moratorium through  
5 September 12, 2006; and

6       WHEREAS, Salmon Creek Avenue (West Central) is one of 34 designated  
7 corridors identified under the County's Transportation Concurrency Management  
8 System, Chapter 40.350.020, CCC; and

9       WHEREAS, the operating level on said corridor has fallen below the level of  
10 service designated travel speed for such corridor; and

11       WHEREAS, the County has been unable to approve development proposals  
12 within the Salmon Creek Moratorium Area because of the operating level deficiency of  
13 the Salmon Creek Avenue (West Central); and

14       WHEREAS, major capital improvements will be necessary to remedy such  
15 operating level deficiency, which improvements are not currently scheduled in the near  
16 term, nor are they reasonably funded; and

17       WHEREAS, the Board is concerned that continued receipt of development  
18 applications impacting such corridor fails to adequately reflect the de facto concurrency  
19 moratorium that has been in effect for the corridor; will result in unproductive and

unnecessary controversy; will encourage inefficient land development; and will divert limited staff resources; and

WHEREAS, the Salmon Creek Moratorium Area consists of properties whose development would result in further deterioration of the corridor's operating level of service; and

WHEREAS, the Board concludes that the continuation of the present moratorium is in the best public interest; makes known the inability to approve development proposals within the area; and will facilitate early and comprehensive exploration of solutions to the present transportation concurrency failure; now, therefore,

IT IS HEREBY ORDERED, RESOLVED AND DECREED by the Board of County Commissioners of Clark County, State of Washington, as follows:

**Section 1. Moratorium.** Except as provided for in Section 3, the moratorium upon the filing of applications and pre-applications for subdivisions, short subdivisions, site plans, and conditional use permits within the moratorium area adopted by Ordinance 2005-07-21 is hereby continued through September 12, 2007.

**Section 2. Moratorium Area.** The Salmon Creek Moratorium Area is shown on the map attached hereto as "Exhibit A."

**Section 3. Exceptions.** This moratorium shall not apply to the following land use applications:

- a. Applications which do not seek subdivision, short subdivision, site plan, or conditional use permit approval.
- b. Applications which are exempt from concurrency requirements under CCC 40.350.020(H).
- c. Applications which became vested prior to the effective date of Ordinance 2005-07-21, including the contingent vesting provisions of CCC 40.510.

- 47
- 48 d. Applications which involved no net increase in traffic generation from or
- 49 to a site.
- 50
- 51 e. Applications whose traffic generation falls within reserved capacity under
- 52 CCC 40.350.020(J).
- 53
- 54 f. Applications relying upon previously reserved capacity under a
- 55 development agreement pursuant to CCC 40.350.020(K).
- 56
- 57 g. Applications eligible for a mitigated level of service under CCC
- 58 40.350.020(N).
- 59
- 60 h. Applications qualifying for use of deferred capacity allocation under the
- 61 pending proposed amendment to CCC 40.350.020, if adopted by the
- 62 Board.
- 63

64 **Section 4. No other effect.** Nothing in this ordinance shall affect application

65 of Chapter 40.350.020, CCC, for developments outside of the Salmon Creek Moratorium

66 Area which have traffic impacts within such area.

67 **Section 5. Work Plan.** The Work Plan for studies related to the traffic

68 conditions and possible solutions to the deficiencies attached hereto as “Exhibit B” is

69 hereby adopted. Within six months, staff shall present a report to the Board regarding its

70 progress on the work plan, including the results of collaborating with the stakeholders

71 work group.

72 **Section 6. Expiration.** This ordinance shall expire at midnight on

73 \_\_\_\_\_, unless the Board, by subsequent ordinance, extends or

74 repeals this ordinance.

75 **Section 7. Public Hearing.** The Board has considered this matter at a duly

76 advertised public hearing.

77 **Section 8. Effective Date.** This ordinance shall become effective

78 immediately upon the date and time of its adoption.

ADOPTED at \_\_\_\_\_ a.m. / p.m. this \_\_\_\_\_ day of \_\_\_\_\_,  
2006.

Attest:

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

\_\_\_\_\_  
Clerk of the Board

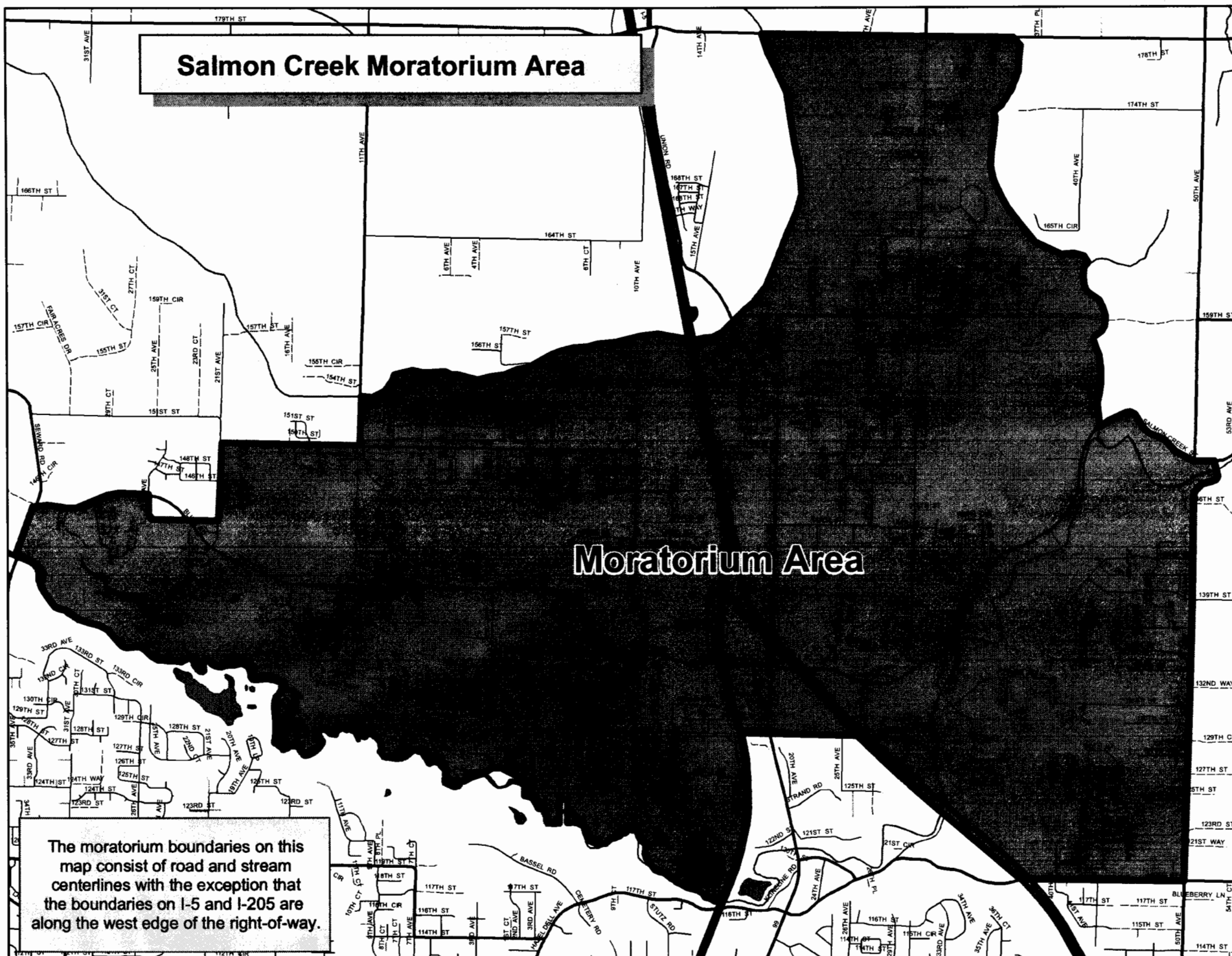
\_\_\_\_\_  
Marc Boldt, Chair

APPROVED AS TO FORM ONLY:  
Art Curtis, Prosecuting Attorney

\_\_\_\_\_  
Steven J. Stuart, Commissioner

By: \_\_\_\_\_  
Richard Lowry, WSBA #4894  
Chief Civil Deputy

\_\_\_\_\_  
Betty Sue Morris, Commissioner





## **EXHIBIT B**

### **Work Plan Salmon Creek Moratorium September 5, 2006**

The Work Plan that the County will continue to implement as an element of the moratorium consists of the following components:

1. Continue with the updating of the Salmon Creek Concurrency model to reflect actual monitored traffic levels, any new roadway improvements, continued optimization of the traffic signal system, the effects of background traffic growth, and the completion/occupancy of new developments in the area.
2. Continue facilitating the meeting and activities of the Salmon Creek Moratorium Work Group for the purposes of identifying and addressing community issues arising from the development moratorium.
3. Continue with development activities associated with the Salmon Creek Interchange Project sufficient to deliver the project on an accelerated time schedule.
4. Continue to pursue grant monies and other funding sources needed for the engineering, permitting, property acquisition, and construction of the Salmon Creek Interchange Project.

## NOTICE OF PUBLIC HEARING

### Salmon Creek Moratorium

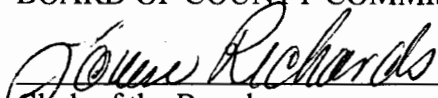
The Clark County Board of Commissioners (BOCC) will hold a public hearing on Tuesday, the **5th day of September, 2006 at 10:00 a.m.** in the Commissioners' Hearing Room, 6<sup>th</sup> floor, 1300 Franklin, Vancouver, Washington to consider the continuation of a **development moratorium** for a portion of the Salmon Creek area of Clark County. The moratorium was initially declared by the BOCC on August 26, 2005.

The reason for the development moratorium is the transportation concurrency failure of the Salmon Creek Avenue corridor. This failure has effectively resulted in a "de facto" moratorium on development in the subject area because there are no mitigation opportunities available at reasonable cost to proposed developments to offset their transportation impacts on the corridor. The proposed boundaries of the proposed Salmon Creek Moratorium Area extend as far as the following: Seward Road on the west, NE 179<sup>th</sup> Street on the north, NE 50<sup>th</sup> Avenue on the east, and NE 129<sup>th</sup> Street, Interstate-205, NE 119<sup>th</sup> Street, and Salmon Creek on the south.

More information concerning this matter may be obtained by contacting Mike Mabrey at the Clark County Department of Community Development, 1300 Franklin, Vancouver, Washington, telephone (360) 397-2375 extension 4343.

Any person wishing to give testimony in this matter should appear at the time, date and place above stated.

#### BOARD OF COUNTY COMMISSIONERS

  
Clerk of the Board

Approved as to Form Only

ARTHUR D. CURTIS

Prosecuting Attorney

By   
Deputy Prosecuting Attorney

PUBLISH: August 21, 2006